

FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

SFP 17 2001

RONALD V. BALTAZAR,

Plaintiffs,

vs.

CIVIL NO. 00-1501 BB/WWD

MICHELLE JOJOLA,

Defendant.

R. B. Marshall
1548
CLERK

MEMORANDUM OPINION AND ORDER

THIS MATTER is before the Court *sua sponte*.

I. BACKGROUND

On May 10, 2001, the Clerk of Court sent a letter to the Plaintiff putting the Plaintiff on notice that, unless action was taken to pursue this matter no later than June 15, 2001 the Court might dismiss this case. Today is September 12, 2001 and the docket reflects that the plaintiff has not complied with the Clerk's letter.

II. ANALYSIS

D.N.M.LR-Cv 41.1 provides that:

"A civil action may be dismissed if, for a period of ninety (90) calendar days, no steps are taken to move the case forward. The Clerk will give written notice that the action may be dismissed thirty (30) calendar days after the date of the notice, unless good cause is shown."

In his letter, the Clerk notified the Plaintiff that the Court would take action to dismiss this case as provided by Rule 41 of the Rules of the United States District Court for the District of New Mexico if no action to pursue the matter was taken by the plaintiff by June 15, 2001. No action has been taken to move this case forward since June 15, 2001, nor for that

matter, since the filing of the complaint on November 3, 2000. The Court finds in plaintiff's behavior a manifest lack of interest in prosecuting this case. Furthermore, the Court has the inherent power to impose a variety of sanctions on litigants in order to regulate its docket, promote judicial efficiency, and deter frivolous filings. Martinez v. Internal Revenue Service, 744 F.2d 71, 73 (10th Cir. 1984). One such sanction within the discretionary authority of the Court is to dismiss an action for want of prosecution. Link v. Wabash R.R. Co., 370 U.S. 626, 629-30 (1962). Based on the Plaintiffs' lack of action in this case, the complaint shall be dismissed without prejudice for want of prosecution.

WHEREFORE,

IT IS ORDERED that this cause of action be, and hereby is, **DISMISSED** without prejudice.


UNITED STATES DISTRICT JUDGE